

**ROSHANNA SMITH, *Individually and on Behalf of all Others Similarly Situated who  
Consent to their Inclusion in a Collective Action***

**v.**

**VITAL RECOVERY SERVICES, INC. and CHRISITOPHER J. SHULER, Individually.**

**Case No. 1:13-cv-000712-ODE**

**To: You** (*the person that this letter was addressed to*), along with present and past employees of Vital Recovery Services, Inc. and Christopher J. Shuler who are, or were employed, as Collections Account Representatives and worked in excess of forty (40) hours in any week during the period March 6, 2010 through today.

**1. Purpose of this Notice**

You received this Notice because the Court has ordered you be notified about the existence of a collective action against your current or former employer. The Court wants you to know your rights may be affected by this lawsuit, and to instruct you on the procedure for participating in this lawsuit.

**2. Description of the Lawsuit**

Roshanna Smith filed a lawsuit on behalf of all similarly situated Collections Account Representatives who are or were employed by Defendants, VITAL RECOVERY SERVICES, INC. and CHRISTOPHER J. SHULER, Individually, in the United States District Court for the Northern District of Georgia. The Representative Plaintiff is suing on behalf of herself and also on behalf of all other employees and former employees that are or were “similarly situated,” because of their employment as a Collections Account Representatives. You are believed to have worked as a Collections Account Representatives. Ms. Smith claims, through her lead attorney, Mitchell L. Feldman of Feldman Morgado, P.A., that You should have been paid overtime for all hours you worked over 40 (in a given work week) because You do not qualify for exemptions under the Fair Labor Standards Act that would allow the Defendants to not pay you your overtime.

The Defendants deny that they owe You overtime for work You performed over 40 hours in a given work week and further that any law has been violated in any way. The Court has not yet decided whether Defendants have done anything wrong or whether this case will proceed to trial. There is no money available now and no guarantees that there will be. However, you have a choice to assert your legal rights in this case.

**3. Your Legal Rights & Options**

**A. You May File Your Claim for Overtime by Joining this Lawsuit**

If You wish to file a claim that will allow You to collect overtime should the case be successful for the Plaintiffs or should the claims be settled You **must** complete the enclosed Notice of



Consent form and mail it to:

**MITCHELL L. FELDMAN, ESQ.  
FELDMAN MORGADO, P.A.  
501 NORTH REO STREET  
TAMPA, FLORIDA 33602**

You must complete the Notice of Consent form, mailed and postmarked by *[insert date 90 days from date of mailing]* or You will **NOT** be allowed to participate in this lawsuit.

By “opting in,” you gain the possibility of receiving money or benefits that may result from a trial or settlement in this case, but you give up your right to separately sue VITAL RECOVERY SERVICES, INC. and CHRISTOPHER J. SHULER for the same legal claims brought in this lawsuit. If you opt-in, your attorneys’ fees and costs will be on a pure contingency basis, that is, **you will not be charged any fees or costs unless there is a recovery. The decisions and agreements made and entered into by the Representative Plaintiff will be binding on you if you join this lawsuit.**

Further, You should know that you will receive damages only if (1) You **JOIN** the lawsuit and (2) the Court determines that Your claims are similar to others to be pursued as one lawsuit and the Court determines that the Defendants violated the law. If the case is settled, the Court will have to approve the fairness of the settlement.

#### **B. You May Choose Not to Join the Lawsuit**

You are not required to join the lawsuit. It is your choice as to whether you wish join. However, if You do not participate in the lawsuit, You will not be eligible to receive any portion of any recovery that might be obtained by those who do join the lawsuit or settle it on a class wide basis. In addition, by doing nothing, you retain your right to bring your own separate suit against VITAL RECOVERY SERVICES, INC. and CHRISTOPHER J. SHULER. **If money or benefits are later awarded in this case, however, you will *not* share in them.**

#### **C. Retaliation Against You is Forbidden**

**Federal law prohibits the Defendants from firing or in any way discriminating against You because You have joined this lawsuit.** That doesn’t mean you don’t still have to do Your job and follow the existing policies and work rules should You work for the company. If you believe you have been penalized, disciplined, punished, threatened, intimidated or discriminated against in any way as a result of your receiving this notification, your considering whether to complete and submit the Opt-in Consent Form, or having submitted the Opt-in Consent Form, you may contact the law firm of Feldman Morgado, P.A., at the numbers provided below.

#### **D. Right to a Lawyer**

The named plaintiff, Roshanna Smith, has hired the law firm of Feldman Morgado, P.A. to represent her interests and those who opt-in elect to have this firm represent them as well. **You**

**will not have to pay any attorneys' fees unless money is recovered for You.** If there is a recovery, the attorney either will receive a part of that recovery or will seek to have their fees paid by the Defendants. You are not required by law to hire Feldman Morgado, P.A. and You may represent yourself or independently hire your own firm.

Further information about this lawsuit may be obtained by writing or calling counsel for the Representative Plaintiff at the address and contact information listed below. The pleadings and other records in this case may be inspected and copied during regular office hours at the Clerk's Office, United States District Court for the Northern District of Georgia, Richard B. Russell Federal Building and Courthouse, 75 Spring Street, SW, Atlanta, Georgia 30303. For a fee, you may also access all records in this case online by utilizing the Public Access to Court Electronic Records (PACER) service at <http://pacer.psc.uscourts.gov>.

To opt-in, you must complete the Opt-in Consent Form and send it by mail, fax, or email to:

Mitchell L. Feldman, Esq.  
Feldman Morgado, PA  
501 North Reo Street  
Tampa, Florida 33602  
PH: 813-639-9366  
FX: 813-639-9376  
[mfeldman@ffmlwagroup.com](mailto:mfeldman@ffmlwagroup.com)  
[www.floridatrialattorneys.net](http://www.floridatrialattorneys.net)

Counsel for the Representative Plaintiff must file your Opt-in Consent Form with the Court by no later than *[insert date 75 days from date of mailing]*. **If you want to opt-in, please ensure that counsel receives your Opt-in Consent Form well before this date** or you may lose your right to opt-in.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

ROSHANNA SMITH, Individually,  
and on behalf of all others similarly  
situated who consent to their inclusion  
in a collective action,

Plaintiff,

v.

Civil Action No.1:13-cv-00712-ODE

VITAL RECOVERY SERVICES, INC.  
And CHRISTOPHER J. SHULER,  
Individually,

Defendants.

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**DECLARATION OF CONSENT TO JOIN**

I, \_\_\_\_\_ [please legibly provide your full legal name], elect to exercise my right to opt-in and join the above-styled Fair Labor Standards Act case.

I worked as a Collections Account Representative for VITAL RECOVERY SERVICES, INC. and CHRISTOPHER J. SHULER, and worked in excess of forty hours (40) per week in at least one week during the period March 6, 2010 through today.

I understand that by consenting to opt-into this case, I am authorizing the Representative Plaintiff, Roshanna Smith, and her attorney, Mitchell L. Feldman, Esq. of Feldman Morgado, P.A., to prosecute this action on my behalf and to act as my agents. I understand that the Representative Plaintiff could make significant decisions on my behalf, including the manner in which to conduct the litigation, the amount of attorneys' fees that will be paid to Feldman Morgado, P.A. in the event this litigation is successful, and whether to settle this case with VITAL RECOVERY SERVICES, INC. and CHRISTOPHER J. SHULER or proceed to trial.

**I declare under penalty of perjury that the foregoing is true and correct.\* Executed on \_\_\_\_\_ [please provide today's date].**

**SIGNATURE:**

\_\_\_\_\_

**MAILING ADDRESS:**

\_\_\_\_\_

\_\_\_\_\_

**CITY, STATE, ZIP:**

\_\_\_\_\_

**TELEPHONE NUMBER:**

\_\_\_\_\_

**EMAIL ADDRESS:**

\_\_\_\_\_

\*This form does *not* need to be notarized.

**PLEASE MAKE SURE THAT ALL OF THE REQUESTED INFORMATION IS INCLUDED ON YOUR FORM AND THAT YOUR HANDWRITING IS LEGIBLE.**

**ONCE YOU HAVE COMPLETED YOUR FORM, PLEASE MAIL, FAX, OR EMAIL IT TO MITCHELL FELDMAN, ESQ. AS SOON AS POSSIBLE.**

**MR. FELDMAN MUST FILE YOUR CONSENT FORM WITH THE COURT BY NO LATER THAN *[insert date 75 days from date of mailing]*.**

MITCHELL L. FELDMAN, ESQ.  
FELDMAN MORGADO, P.A.  
501 NORTH REO STREET  
TAMPA, FLORIDA 33602  
PH: 813-639-9366  
FX: 813-639-9376  
[mfeldman@ffmlawgroup.com](mailto:mfeldman@ffmlawgroup.com)  
[www.floridatrialattorneys.net](http://www.floridatrialattorneys.net)